

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WENDELL DUNCAN

PETITIONER

v.

No. 4:12CV31-GHD-DAS

STATE OF MISSISSIPPI, ET AL.

RESPONDENTS

**ORDER *DISMISSING AS MOOT* PETITIONER'S MOTIONS [47], [48] TO RECONSIDER
THE COURT'S PREVIOUS ORDER DENYING HIS REQUEST
FOR A COPY OF HIS PETITION IN THIS CASE**

This matter comes before the court on the motions [47], [48] by the petitioner for a copy of his petition in this case to show that he has not previously sought *habeas corpus* relief regarding his 1995 conviction for assault on a law enforcement officer (which he challenges in a more recent *habeas corpus* petition, *Duncan v. Morris*, 4:21CV68-DMB-JMV). The Fifth Circuit Court of Appeals has already determined that Mr. Duncan has not previously challenged the conviction for assault on a law enforcement officer. *See Duncan v. Morris, supra*, Doc. 9. The State in that case has moved [13] to dismiss the petition as untimely filed. As the Fifth Circuit has settled the matter of whether Duncan's recent petition is successive, he has no need for a copy of his petition from the present case. Hence, the instant motions [47], [48] are **DISMISSED** as moot.

SO ORDERED, this, the 11th day of August, 2022.

/s/ David A. Sanders

DAVID A. SANDERS

UNITED STATES MAGISTRATE JUDGE